

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESTATE OF XANDER MANN, et al.,

Case No. 1:21-cv-01098-AWI-SKO

Plaintiffs,

v.

ORDER GRANTING PLAINTIFF'S
REQUEST TO FILE EXHIBITS IN
SUPPORT OF MOTION FOR LEAVE TO
FILE FIRST AMENDED COMPLAINT

COUNTY OF STANISLAUS, et al.,

(Doc. 36)

Defendants.

On April 8, 2022, Plaintiffs filed a motion for leave to file a first amended complaint (the "Motion to Amend"), also submitting documents and exhibits in support of the Motion to Amend. (Doc. 30.) Plaintiffs submitted some of the exhibits provisionally under seal (the "proposed exhibits"), as they were covered by the parties' protective order, and, according to Plaintiffs, Defendants had expressed an intent to file a request to seal those exhibits. (*See* Doc. 30-2 at 2-3; Doc. 36 at 1.) On April 26, 2022, Plaintiffs filed the instant request to file exhibits in support of the Motion to Amend (the "Request"), noting that Defendants had not filed any requests to seal to date. (Doc. 36.)

On May 4, 2022, Defendants County of Stanislaus, Stanislaus County Sheriff's Department, and Jeff Dirkse filed a statement of non-opposition to the Request. (Doc. 38.) On that same date, Defendant Gerardo Zazueta filed a statement of conditional non-opposition to the Request. (Doc. 39.) Specifically, Defendant Zazueta asserts that Plaintiffs' proposed exhibits are "not relevant or

1 necessary” to some of the amendments Plaintiffs’ are seeking to make, i.e., the addition of Sergeant
2 Darwin Hatfield as a defendant, and it appears that Plaintiffs are seeking “to place a large majority
3 of the evidence public for the sake of making it public, which would be an improper purpose.” (*Id.*)
4 Defendant Zazueta is otherwise not opposed to the Request. (*Id.*)

5 A review of the Motion to Amend appears to support that the proposed exhibits are relevant
6 to Plaintiffs’ proposed amendments. The Motion to Amend indicates that the proposed exhibits
7 provide evidence of Sergeant Hatfield’s involvement in the officer-involved shooting at the crux of
8 this case. (*See* Doc. 30 at 9–11.) Defendant Zazueta’s cursory assertion that the proposed exhibits
9 are “not relevant or necessary,” without any further explanation or even mention of specific exhibits,
10 is insufficient to justify a denial of the Request.

11 Accordingly, Plaintiffs’ request to file exhibits in support of their Motion to Amend (Doc.
12 36) is hereby GRANTED. Any filing of exhibits by Plaintiffs shall be made by no later than May
13 18, 2022.

14
15 IT IS SO ORDERED.

16 Dated: May 13, 2022

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE